

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION

IN RE:

Paul Roger Vernier III,
Tiffany Jo Vernier,

Debtors.

Case No. 1:19-bk-13021

Chapter 7

Judge Jeffery P. Hopkins

**MOTION OF U.S. BANK NATIONAL
ASSOCIATION FOR RELIEF FROM THE
AUTOMATIC STAY (PROPERTY LOCATED
AT 850 BROUSES RUN RD, WEST
PORTSMOUTH, OHIO 45663)**

U.S. Bank National Association (the "Movant") moves this Court, under §§ 361, 362, 363 and other sections of the Bankruptcy Reform Act of 1978, as amended (the "Bankruptcy Code") and under Rules 4001, 6007 and other rules of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an Order conditioning, modifying or dissolving the automatic stay imposed by § 362 of the Bankruptcy Code. In support of this Motion, the Movant states:

MEMORANDUM IN SUPPORT

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
2. A copy of the General Warranty Deed to the subject property is attached as Exhibit A. On April 16, 2014 Paul Roger Vernier III and Tiffany J Vernier obtained a loan from U.S. Bank N.A. in the amount of \$165,750.00. Such loan was evidenced by a promissory note dated April 16, 2014, (the "Note"), a copy of which is attached as

Exhibit B.

3. To secure payment of the Note and performance of the other terms contained in it, Paul Roger Vernier III and Tiffany J Vernier executed a Mortgage dated April 16, 2014. The Mortgage granted a lien on the real and/or personal property (the "Collateral") owned by Paul Roger Vernier III and Tiffany J Vernier, located at 850 Brouses Run Rd, West Portsmouth, Ohio 45663, and more fully described in the Mortgage. **Said note and mortgage are subject to a Loan Modification Agreement, a copy of which is attached as Exhibit D.**
4. The lien created by the Mortgage was duly perfected by the filing of the Mortgage in the Office of the Scioto County Recorder on April 21, 2014. A copy of the Mortgage is attached to this motion as Exhibit C. The lien is the 1st lien on the Collateral.
5. The Note and Mortgage were transferred as follows:

The Note was transferred from U.S. Bank National Association to Movant as evidenced by the blank endorsement on the Note. See Exhibit B.
6. The value of the Collateral is \$180,000.00. This valuation is based on Debtor's Schedules.
7. As of August 21, 2019, there is due and owing on the Note the outstanding principal balance of \$173,624.08.
8. Other parties known to have an interest in the Collateral are: N/A
9. The Movant is entitled to relief from the automatic stay under §§ 362(d)(1) and/or 362(d)(2) for these reasons:

Debtor has failed to provide adequate protection for the lien held by the Movant for

the reasons set forth below.

This case is a Chapter 7 wherein debtor is in default for payment on the mortgage loan wherein the last payment was applied to the payment due for the month of June 1, 2019 and there is no equity for the benefit of the estate.

10. This Motion does not seek to affect the rights of the Chapter 7 Trustee.
11. Pursuant to LBR 4001-1(a)(1) Movant has completed the Exhibit and Worksheet attached hereto as Exhibit E.

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of §362 of the Bankruptcy Code to permit Movant to proceed under law and for such other and further relief to which the Movant may be entitled.

/s/Mia L. Conner

Mia L. Conner, Case Attorney
Ohio Supreme Court Reg. No. 0078162
Attorney(s) for U.S. Bank National Association
LERNER, SAMPSON & ROTHFUSS
P.O. Box 5480
Cincinnati, OH 45201-5480
(513) 241-3100
(513) 241-4094 Fax
(877) 661-7891 Toll Free Fax
sohbk@lsrlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Relief from Stay was served electronically on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and by ordinary U.S. Mail on September 18, 2019 addressed to:

Paul Roger Vernier, III
850 Brouses Run Road
West Portsmouth, OH 45663

Tiffany Jo Vernier
850 Brouses Run Road
West Portsmouth, OH 45663

/s/Mia L. Conner

Mia L. Conner, Case Attorney
Ohio Supreme Court Reg. No. 0078162
Attorney(s) for U.S. Bank National Association
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**NOTICE OF FILING OF MOTION OF U.S.
BANK NATIONAL ASSOCIATION FOR
RELIEF FROM THE AUTOMATIC STAY
(PROPERTY LOCATED AT 850 BROUSES
RUN RD, WEST PORTSMOUTH, OHIO 45663)**

OFFICIAL FORM 20A

U.S. Bank National Association has filed papers with the Court to obtain relief from the automatic stay.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion for relief from stay, then within twenty-one (21) days from the date of this notice, you or your attorney must:

- * File with the Court a written request for a hearing, and a written response setting forth the specific grounds explaining your position at:

Cincinnati Bankruptcy Court
U.S. Bankruptcy Court
221 East Fourth Street
Atrium Two, Suite 800
Cincinnati, OH 45202

If you mail your request or response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Mia L. Conner (0078162)
Trial Counsel - Attorney for Movant
LERNER, SAMPSON & ROTHFUSS
P.O. Box 5480
Cincinnati, OH 45202-4007
sohbk@lsrlaw.com

John R Stevenson, Attorney for Debtor
116 Poole St
West Portsmouth, OH 45663
stevensonchapter7@msn.com

David W Kuhn, Trustee
612 Chillicothe Street
Portsmouth, OH 45662
ecf@frognet.net

U.S. Trustee
Asst US Trustee (Cin)
Office of the US Trustee
J.W. Peck Federal Building
550 Main Street, Suite 4-812
Cincinnati, OH 45202
ustpreion09.ci.ecf@usdoj.gov

at the addresses listed thereon.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

DATED: September 18, 2019

/s/Mia L. Conner

Mia L. Conner, Case Attorney
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Paul Roger Vernier, III
850 Brouses Run Road
West Portsmouth, OH 45663

Tiffany Jo Vernier
850 Brouses Run Road
West Portsmouth, OH 45663

/s/Mia L. Conner

Mia L. Conner, Case Attorney
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